



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,979	09/26/2006	Rainer Mueller	A8450PCT-UT	3743
43749 7590 07/17/2009 CHRISTOPHER PARADIES, PH.D. FOWLER WHITE BOGGS BANKER, P.A. 501 E KENNEDY BLVD, STE. 1900 TAMPA, FL 33602				
EXAMINER SANDERSON, JOSEPH W				
ART UNIT		PAPER NUMBER		
3644				
MAIL DATE		DELIVERY MODE		
07/17/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/596,979

**Applicant(s)**

MUELLER ET AL.

**Examiner**

Joseph W. Sanderson

**Art Unit**

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 17-30 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 30 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 8/2/06, 9/26/06  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the skin "sandwich design," with an aluminum or aluminum alloy joined with the planking, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "2" and "33" have both been used to designate the exterior skin.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "4" and "19" have both been used to designate the inner space.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 19, 21, and 33.
6. The drawings are objected to because the wording in the upper left hand corner of Fig 1 is illegible.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

7. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

8. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

9. The abstract of the disclosure is objected to because the abstract is too long. Correction is required. See MPEP § 608.01(b).

10. The disclosure is objected to because of the following informalities:

[0019], line 6, "glare" should be --GLARE-- for consistent terminology.

Appropriate correction is required.

11. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

12. Claims 1, 23, 24, 27, 29 and 30 are objected to because of the following informalities:

Claim 23, lines 1-2, the acronyms "GFK" and "CFK" should be fully recited;

Claim 23, line 2, "alumunum" should be --aluminum--;

Claim 24, line 3, it appears --fire-- should be inserted at the end;

Claim 27, line 2, a comma should follow "plate-like planking;"

Claim 29, line 1 "glare" should be --GLARE--;

Claim 30, a space should follow "comprises."

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 17-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites a non-metallic material in line 9, however it is unclear if this is the same material as in line 7 or an additional material.

Claim 17 recites a metallic material in line 11, however it is unclear if this is the same material as in line 7 or an additional material.

Claim 18 recites a composite material in line 2, however it is unclear if this is the same material as the non-metallic material in claim 17 as suggested or an additional material.

Claim 19 recites a non-metallic material in lines 1-2, however it is unclear if this is the same material as in claim 17 or an additional material.

If the material is the same as that in claim 17, claim 19 is indefinite as reciting new fiber materials (silicate fibers) for the “consisting” clause of claim 17.

Claim 21 is indefinite as reciting new fiber materials (plastic fibers) for the “consisting” clause of claim 17.

If the composite material of claim 18 is the non-metallic material of claim 17, then claim 25 is indefinite as it recites the material including metal.

***Claim Rejections - 35 USC § 102***

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. Claims 17-20 and 22-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Westre et al. (US 6 114 050).

As best understood, Westre clearly discloses the features of the claims in the disclosure, particularly Figs 1 and 4A.

All components that are unclear as to being additions or duplicate recitations are treated as duplicate recitations.

17. Claims 27, 28 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Westre et al. ('050).

The discussion above regarding claim 17 is relied upon.

Westre discloses the outer surface of the exterior skin exposed to weathering joined with a plate-like planking (28) comprised of a combination material of a non-metallic and metal (seen in Fig 3B), the planking being protective against burn through (due to the structure), adjusted to



an outer contour of the exterior skin (to fit on the fuselage), and comprising aluminum or aluminum alloy (col 5, lines 1-2).

18. Claims 17-20, 23, 24 and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Palm (US 6 861 156).

As best understood, Palm clearly discloses the features of the claims as known in the art in the background section and Fig 1.

All components that are unclear as to being additions or duplicate recitations are treated as duplicate recitations.

19. Claims 17-24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Garesché et al. (US 5 429 326).

As best understood, Garesché clearly discloses the features of the claims in the disclosure, particularly in Figs 1 and 7 and in the “Summary of Invention.”

All components that are unclear as to being additions or duplicate recitations are treated as duplicate recitations.

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3644

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westre ('050) in view of Palm ('156).

The discussion above regarding claim 28 is relied upon.

Westre discloses an aircraft planking using a combination material, but does not specifically disclose the material as a GLARE material.

Palm discloses as known in the art an aircraft using a glare material as a known weight saving material with high damage tolerance (col 1, lines 43-46).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Westre to use GLARE as taught by Palm for the well-known predictable advantage of decreasing the weight of the aircraft while increasing the damage tolerance.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph W. Sanderson whose telephone number is 571-272-0474. The examiner can normally be reached on M 6:30 am - 11:30 am, T-F 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael R. Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael R Mansen/  
Supervisory Patent Examiner, Art Unit 3644

/J. W. S./  
Examiner, Art Unit 3644